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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,609	12/26/2000	Gerald R. Stanley	CRI0033.1	4249

7590 04/14/2004

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER
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ART UNIT	PAPER
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04132004

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Commissioner for Patents

See Attachment

Art Unit: 2816

### **NOTICE OF DEFECTIVE APPEAL BRIEF**

Appellant's brief presents arguments relating to the New Matter objection. This issue relates to petitionable subject matter under 37 CFR 1.181 and not to appealable subject matter. See MPEP § 1002 and § 1201.

It is required this formal matter be resolved prior to the Appeal continuing.

Examiner notes for the record that if it is ultimately deemed that the subject matter is anything other than New Matter, such would presumably necessitate a non-enablement rejection. This is due to the fact that it would not be seen, on the face, that the specification enables how to make and use the circuit of Fig. 6.

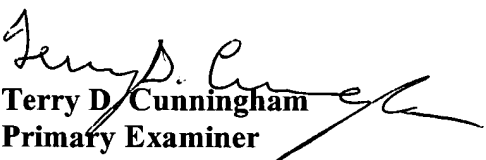
To avoid dismissal of the appeal, Appellant must comply with these provisions within the longer of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication. Extensions of these time periods may be granted under 37 CFR 1.136.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terry Cunningham whose telephone number is 571-272-1742.

The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

TC  
April 13, 2004

  
Terry D. Cunningham  
Primary Examiner  
Art Unit 2816